

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

IN RE: Winstar Communications, Inc., et al.

Lucent Technologies Inc.,	:	
	:	
Appellant,	:	
	:	Civil Action No.: 06-147
v.	:	
	:	
Christine C. Shubert, Chapter 7 Trustee,	:	
	:	Bankruptcy Case No.: 01-1430
Appellee.	:	

**APPELLEE CHAPTER 7 TRUSTEE'S MOTION TO STRIKE ITEMS  
FROM LUCENT TECHNOLOGIES INC.'S DESIGNATION OF RECORD  
ON APPEAL AND STATEMENT OF ISSUES ON APPEAL**

Christine C. Shubert (the "Trustee"), Chapter 7 Trustee for the estates of Winstar Communications, Inc., and Winstar Wireless, Inc., Appellee in the above captioned matter, by and through her undersigned counsel, hereby moves for the entry of an order striking certain items listed on Appellant's ( Lucent ) Amended Designation of Items to Be Included in the Record on Appeal (the "Record Designation") (Docket No. 6) filed on March 1, 2006, and Lucent's Statement of Issues on Appeal (the "Issues Designation") (Docket No. 2), filed on January 19, 2006. In support of the Motion, the Trustee has filed contemporaneously herewith a Memorandum of Law and a Declaration of David R. King, each dated March 8, 2006. A proposed form of Order also accompanies the Motion.

**FOX ROTHSCILD LLP**

By: /s/ Sheldon K. Rennie (#3772)  
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-and-

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2 Park Avenue  
New York, NY 10016

Dated: March 9, 2006

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FOR THE DISTRICT OF DELAWARE**

IN RE: Winstar Communications, Inc., et al.

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Lucent Technologies Inc.,	:	
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Appellant,	:	
	:	Civil Action No.: 06-147
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Christine C. Shubert, Chapter 7 Trustee,	:	
	:	Bankruptcy Case No.: 01-1430
Appellee.	:	

**ORDER STRIKING ITEMS FROM LUCENT TECHNOLOGIES INC.'S  
DESIGNATION OF RECORD ON APPEAL AND ISSUES FROM LUCENT  
TECHNOLOGIES INC.'S STATEMENT OF ISSUES ON APPEAL**

This matter came before the Court on the motion of Christine C. Shubert (the “Trustee”), Chapter 7 Trustee for the estates of Winstar Communications, Inc., and Winstar Wireless, Inc. (the “Debtors”), for the entry of an order striking certain items listed on Lucent Technologies Inc. s ( Lucent ) Amended Designation of Items to Be Included in the Record on Appeal (the “Amended Record Designation”) (Docket No. 6) (the “Record Designation”) and Lucent’s Statement of Issues on Appeal (Docket No. 2) (the “Issues Designation”) (the Motion ); and the Court having determined that adequate notice of the Motion has been given; and the Court having read and considered the Motion, objections to the Motion, if any, and arguments of any counsel appearing regarding the relief requested in the Motion at a hearing before the Court; and the Court having determined that the legal and factual bases set forth in the Motion and at any hearing establish just cause for the relief granted herein;

IT IS HEREBY ORDERED as follows:

1. The Motion be and hereby is GRANTED.

2. Those items as identified on Exhibit A hereto and set forth on Lucent's Amended Record Designation be and hereby are stricken from the record on appeal.

3. Issues 13, 14, and 15 as set forth on Lucent's Issues Designation be and hereby are stricken from the Issues Designation.

Dated: March 9, 2006

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UNITED STATES DISTRICT JUDGE

**EXHIBIT A**

<b>Appellant's Tab</b>
378-459
1752 to 2211

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 9<sup>th</sup> day of March, 2006 one (1) copy of *Appellee Chapter 7 Trustee's Motion to Strike Items From Lucent Technologies Inc.'s Designation of Record on Appeal and Statement of Issues on Appeal* was served upon the individuals listed below in the manner specified:

**VIA HAND DELIVERY**

Daniel J. DeFranceschi, Esquire  
Rebecca Booth, Esquire  
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**VIA FEDERAL EXPRESS**

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/s/ Sheldon K. Rennie (#3772)

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